

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>SUE ELLEN BOOTH,</b>	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	<b>2:05-cv-1698</b>
	)	
<b>JO ANNE B. BARNHART, Commissioner</b>	)	
<b>of the Social Security Administration,</b>	)	
<b>Defendant.</b>	)	

**ORDER OF COURT**

AND NOW, this 25<sup>th</sup> day of July, 2006, after the Plaintiff, Sue Ellen Booth, filed an action in the above captioned case seeking review of the Social Security Commissioner's final determination disallowing her claim for a period of disability or for disability insurance benefits, and after cross motions for summary judgment were submitted by the parties, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten (10) days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motions and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

It is **ORDERED** that Defendant's motion for summary judgment (Document No. 14) is **DENIED**.

It is further **ORDERED** that Plaintiff's motion for summary judgment (Document No. 12) is **GRANTED** and this case is remanded to the Commissioner of Social Security for further consideration.

BY THE COURT:

s/ Terrence F. McVerry  
United States District Court Judge

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